

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERARDO MOTA BAUTISTA, HUGO
BAUTISTA, JUAN LUIS OVANDO
ZEPEDA, JUAN ZEPEDA, JULIO
RICARDO ALVAREZ MACATOMA,
LEONCIO TORRES ACUNA, MARIO
MORALES ROJAS, OMAR RODRIGUEZ,
and ANTONIO LIMON HERNANDEZ
*individually and on behalf of others similarly
situated,*

Plaintiffs,

vs.

COUNTY-WIDE MASONRY CORP.,
CARBEN INDUSTRIES, INC., CARBEN
CONCRETE, INC., CARBEN
CONSTRUCTION, INC., ANTHONY
DERASMO, ANTHONY LOGIUDICE,
RONALD BROWNING, and MARTIN DOE
a/k/a PERU

Defendants.

CARBEN INDUSTRIES, INC.

Third Party Plaintiff,

vs.

BATRUME INDUSTRIES, INC. and
COUNTY-WIDE CONSTRUCTION CORP.,

Third-Party Defendants.

INDEX NO.: 19-cv-08808

Civil Action

**AFFIRMATION OF CLELA A.
ERRINGTON, ESQ. IN OPPOSITION
TO COUNTY-WIDE DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Clela A. Errington, an attorney duly admitted to practice law before this Court, declares
the following to be true under penalty of perjury pursuant to 28 U.S.C. §1746.

1. I am an associate with CSM Legal, P.C., attorneys for the Plaintiffs in the above-captioned action, and I am fully familiar with the facts stated herein.
2. I make this declaration in opposition to Defendants County-Wide Masonry and Anthony Derasmo's ("CW Defendants") pre-motion letter and anticipated Motion for Summary Judgment and in order to provide exhibits in support of Plaintiffs' responses to CW Defendants' Rule 56.1 Statements of Undisputed Facts. (Docket No. 146-1)
3. Annexed hereto as Exhibit A is a true and accurate copy of Plaintiff Hugo Bautista's Response to Carben Defendants' Supplementary Interrogatories.
4. Annexed hereto as Exhibit B is a true and accurate copy of Plaintiff Antonio Limon Hernandez's Response to Carben Defendants' Supplementary Interrogatories.
5. Annexed hereto as Exhibit C. is a true and accurate copy of Plaintiff Juan Zepeda's Response to Carben Defendants' Supplementary Interrogatories.
6. Annexed hereto as Exhibit D is a true and accurate copy of Plaintiff Julio Ricardo Alvarez Macatoma's Response to Carben Defendants' Supplementary Interrogatories.
7. Annexed hereto as Exhibit E is a true and accurate copy of the contract between Rinaldi Group and the CW Defendants for the construction site located at 120 Water St.
8. Annexed hereto as Exhibit F is a true and accurate copy of the contract between Noble Construction and the CW Defendants for the construction site located at 70 Schermerhorn St.
9. Annexed hereto as Exhibit G is a sign-in sheet for the construction site located at 120 Water St.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 3, 2022

/s Clela Errington
Clela A. Errington, Esq.
CSM Legal, P.C.
60 E. 42nd St. Suite 4510
New York, NY 10165